

# Wetlands Bureau Decision Report

Decisions Taken  
12/01/2003 to 12/05/2003

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

\*\*\*\*\*

**2002-00619                      NH DEPT OF TRANSPORTATION**  
**MANCHESTER   Neal Brook**

### Requested Action:

Request to amend permit to relocate a pond, the outlet and the flow to a perennial stream and associated wetlands due to archaeological concerns.

\*\*\*\*\*

Inspection Date: 06/20/2002 by Gino E Infascelli

### APPROVE AMENDMENT:

SECOND AMENDMENT: Impact a total of 39,892 sq. ft. of palustrine and riverine wetlands (directly) to allow for safety upgrades on NH Rt. 101 and NH Rt. 28 By-Pass along with the construction of water quality structures and a sound wall/berm. NHDOT project #12609.

### With Conditions:

1. All work shall be in accordance with plans:
  - a. By HTA Companies sheets 4 through 8 (not dated) and sheets 10 and 11 by CLD Consulting Engineers revised 11/21/02 as received by the Department on February 7, 2003.
  - b. Modified sheet 9 by NHDOT Bureau of Highway Design (not dated) received on December 5, 2003.
2. This permit is contingent upon the submission of project specific stream diversion and erosion control plans to DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Before work begins on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
5. Temporary cofferdams shall be entirely removed immediately following construction.
6. Construction equipment shall not be located within surface waters.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
16. Work shall be done during low flow.

### With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 sq. ft. of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 20, 2002. Field inspection determined the proposed ponds will provide sedimentation and water quality improvements while the roadway upgrades will provide a safety benefit to the general public.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this palustrine and riverine wetland ecosystem.
7. The second amendment will avoid more areas of archaeological concern than the first amended permit.
8. The wetland impact table does not include the indirect impacts to approximately 250 linear feet of stream and 5,000 sq. ft. of associated wetlands.

**2003-01487                      PESCHEL, CITY OF DOVER, DEAN**  
**DOVER    Piscataqua River Channel**

Requested Action:

Dredge 7,200 square feet, or 150 cubic yards, within tidal waters for the removal of existing sediment and debris, which is blocking numerous discharge ports on the City of Dover's Wastewater Treatment Plant outfall diffuser in the Piscataqua River, and for the installation of duckbill diffuser valves to minimize future blockages.

\*\*\*\*\*

Inspection Date: 11/21/2003 by Christina Altimari

APPROVE PERMIT:

Dredge 7,200 square feet, or 150 cubic yards, within tidal waters for the removal of existing sediment and debris, which is blocking numerous discharge ports on the City of Dover's Wastewater Treatment Plant outfall diffuser in the Piscataqua River, and for the installation of duckbill diffuser valves to minimize future blockages.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineers, Inc. dated July 3, 2003, as received by the Department on July 11, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau, as coordinated and approved by the DES Waste Management Division.
5. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. All dredging and dredge materials shall occur between November 15th and March 15th as required by Administrative Rule Wt 304.11.
8. This permit is valid from five years from the date of issuance. Within this time period, any further maintenance dredging/dredged materials disposal, after the proposed project is accomplished, shall require notification and review by DES.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in tidal wetlands.
2. Per Wt 302.01, the applicant has demonstrated that the proposed impacts are needed to remove existing blockages along the Dover Wastewater Treatment Plant outfall diffuser.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. Sediment samples were taken on October 4, 2003. Sediment testing results and analysis, received by DES on November 3, 2003 determine that the results are approvable for, and will be disposed of at Waste Management of New Hampshire, Inc.'s TLR-III Refuse Disposal Facility located in Rochester, NH.
5. Public Hearing is waived based upon DES field inspection on November 21, 2003, which finds that the project will not significantly impair the estuarine ecosystem, and is necessary to prevent continued blockage of the WWTP outfall diffuser.

## MINOR IMPACT PROJECT

\*\*\*\*\*

### 2001-01325                      NH DEPT OF TRANSPORTATION, DISTRICT 2 STRATFORD   Connecticut River

#### Requested Action:

Winterset, Inc. requests to amend the permit to eliminate 2,880 sq. ft. of a temporary stone fill area and construct a temporary work trestle.

\*\*\*\*\*

#### APPROVE AMENDMENT:

SECOND AMENDMENT: Amend the permit to utilize a temporary work trestle, relocate abutments back from the river and construct a concrete pier impacting 8,210 sq. ft. (4,565 sq. ft. temporary) within bank and channel area of the Connecticut River to rehabilitate the existing Maidstone/Stratford Hollow Bridge. All work will be conducted behind cofferdams. NHDOT project #13086.

#### With Conditions:

1. All work shall be in accordance with:
  - a. Plan sheet 1 of 1 by Lichtenstein Consulting Engineers dated 04/14/03 received by the Department on June 2, 2003,
  - b. Plan sheets 27 and 35 of 65 by Lichtenstein Consulting Engineers dated 05/24/02 received by the Department on August 14, 2003 except as amended per:
  - c. Letter by Winterset, Inc. dated October 22, 2003 and attached plans showing a temporary trestle as received by the Department on October 24, 2003.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Construction equipment shall not be located within surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or

netting and pinning on slopes steeper than 3:1.

12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.

14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

15. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

16. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

17. The impacts associated with the temporary work shall be remediated immediately following construction.

18. Work proposed for a canoe access to the Connecticut River shall be submitted in a separate application for review.

19. Stamped engineering plans meeting the requirements of Administrative Rules Wt 404.04(b) and (e) shall be provided to the file prior to construction.

**2002-00074                      CAMPBELL, WAYNE**  
**FARMINGTON    Unnamed Stream Kicking Horse Brook**

Requested Action:

Request reconsideration of the April 30, 2003 approval to amend the wetland permit for realigning the subdivision access road further away from the confluence of Kicking Horse Brook and Dames Brook, based on requirements from the Farmington Zoning Board.

\*\*\*\*\*

Conservation Commission/Staff Comments:

\*Previous file #2001-0284 is closed.

\*The Farmington Conservation Commission raised various concerns with the proposed subdivision - see letters in file for more detail.

DENY RECONSIDERATION:

Reconfirm approval to amend the wetland permit to read: Impact approximately 780 square feet (162 linear feet) within the bed and banks of Kicking Horse Brook and fill 3,280 square feet of palustrine scrub-shrub wetland to install an access road serving a 65-unit cluster subdivision on 47.1 acres of land. To help mitigate the impacts for the proposed project, approximately 1,345 square feet (96 linear feet) within the bed and banks of Dames Brook will be restored by removing fill and culverts from a previously existing road crossing.

With Findings:

Findings of Fact:

1. This is a Minor Project per the NH Code of Administrative Rules Wt 303.03(h) and (l); alteration of less than 20,000 square feet of wetland, and impacts that are less than 200 linear feet to a perennial stream.
2. In 2001, an application (file #2001-0284) was submitted to the Wetlands Bureau to fill 2,750 square feet within Dames Brook to construct a bridge, a sewer crossing and a roadway for a 76-unit subdivision for multifamily housing. More information was requested by the Bureau in a letter dated July 5, 2001. Since that time, the owner has acquired two additional adjacent parcels of land that offer alternative routes to access the property with no impacts to Dames Brook.
3. Currently, there is an existing road crossing in Dames Brook that has been used for gravel excavation on this lot; however, the crossing is deteriorated, undersized and possibly illegal (as DES finds no records on file for this crossing). The newly proposed plan is to construct an access road that crosses a smaller tributary (Kicking Horse Brook) and a scrub shrub wetland, and to remove the existing degraded crossing in Dames Brook, thus restoring the area.
4. On May 3, 2002, a new application (current file #2002-0074) was received by DES to fill 2,320 square feet within Kicking Horse Brook and associated wetlands to construct an access road to serve a 65-unit cluster subdivision on 47.1 acres of land, which is comprised of 13.5 acres of wetlands/streams and 33.6 acres of upland.
5. The Farmington Conservation Commission stated that through an oversight they did not request to intervene on the Wetland

Bureau's review; however, in two letters (dated 7/1/02 & 3/5/03), they raised several issues that they felt needed to be addressed prior to a permit being issued. To summarize, specific concerns include potential impacts to flooding, fishery and wildlife, and the town 100-foot restrictive ordinance along Dames Brook. In addition, the commission stated that they felt the plan design was not the least impacting alternative and included a revised roadway layout.

6. According to the applicant's engineer (Norway Plains Associates, Inc.), the proposed crossing over Kicking Horse Brook will accommodate the 100-year storm flows with no impact to upstream properties.

7. In a letter dated 10/19/00, NHI stated that there are no known occurrences of sensitive species near the project area.

8. On April 30, 2003, DES approved the permit to impact 1,080 square feet (192 linear feet) within the bed and banks of Kicking Horse Brook and fill 1,240 square feet of palustrine scrub-shrub wetland to install an access road serving a 65-unit cluster subdivision on 47.1 acres of land. To help mitigate the impacts for the proposed project, approximately 1,345 square feet (96 linear feet) within the bed and banks of Dames Brook will be restored by removing fill and culverts from a previously existing road crossing.

9. DES received no "Requests for Reconsideration" after issuing the approved permit on April 30, 2003, as described above in finding #7.

10. Based on the Farmington Zoning Board of Adjustment requirements and a Settlement Agreement between the Farmington Zoning Board and the Farmington Planning Board, the previously approved plans were revised to realign the subdivision access road further away (Northwest) from the confluence of Kicking Horse Brook and Dames Brook.

11. On October 2, 2003, the applicant's engineer (Norway Plains Associates, Inc.) met with DES staff to go over plan revisions that were required from the above Settlement Agreement.

12. DES staff found that the revised plans did not incorporate a perpendicular road crossing over Kicking Horse Brook and therefore did not avoid and minimize impacts to the more valuable resource, a perennial stream. DES staff recommended that the road incorporate a curve to allow for a more perpendicular crossing over Kicking Horse Brook.

13. On October 20, 2003, DES received an amendment request from the applicant's engineer (Norway Plains Associates, Inc.) with revised plans to relocate the road crossing over Kicking Horse Brook further away from the confluence with Dames Brook and with a more perpendicular crossing to reduce the overall stream impacts.

14. On October 29, 2003, DES approved the amendment request to impact approximately 780 square feet (162 linear feet) within the bed and banks of Kicking Horse Brook and fill 3,280 square feet of palustrine scrub-shrub wetland to install an access road serving a 65-unit cluster subdivision on 47.1 acres of land. To help mitigate the impacts for the proposed project, approximately 1,345 square feet (96 linear feet) within the bed and banks of Dames Brook will be restored by removing fill and culverts from a previously existing road crossing.

15. In a letter dated November 11, 2003, and received by DES on November 17, 2003, The Farmington Conservation Commission requested a reconsideration of the amendment approval.

#### Findings in support of denial:

16. DES staff found that although the revised plans show an increase in wetland impacts, the revised road alignment now crosses Kicking Horse Brook closer to a right angle and therefore reduces 90 linear feet of bank and bed impacts (approximately 300 square feet) to the more valuable stream resource. In addition, the new alignment is further away from the confluence with Dames Brook where flooding concerns were originally raised by the Farmington Conservation Commission.

17. The road layout proposed by the Farmington Conservation Commission crosses Kicking Horse Brook at a sharper angle than the current proposal; therefore, their proposal would increase overall impacts to the perennial stream.

18. The current plan has considered a number of design criteria including, but not limited to, resource avoidance and minimization, town regulations, engineering criteria, storm water treatment and hydraulics, public safety, and the Town of Farmington Zoning Board and Planning Board Settlement Agreement.

19. Overall, DES finds that the project will not significantly impact the riparian/wetland systems of Kicking Horse Brook, and that the restoration plan will repair a higher value perennial stream area known as Dames Brook.

**2002-01373                      BONK, HERBERT & RHONDA**  
**ANDOVER   Highland Lake**

#### Requested Action:

Construct two 6 ft by 40 ft seasonal docks on Highland Lake, Andover.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No response from Con Com by Sept 18, 2002

12/17/02 Agent request 90 day extension of More Info Request

Inspection Date: 09/19/2002 by Tracey Boisvert

Inspection Date: 06/04/2003 by Dale R Keirstead

Inspection Date: 06/04/2003 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Construct two 6 ft by 40 ft seasonal docks on Highland Lake, Andover.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants dated November 20, 2003, as received by the Department on November 24, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal piers shall be removed from the lake for the non-boating season.
5. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 4, 2003. Field inspection determined the need for the longer docks due to shallow conditions on the site.
6. The installation of the seasonal docks will not impact the prime wetlands.

**2003-01404                      ROUTE 4 REALTY TRUST**  
**NOTTINGHAM   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 13,816 square feet of forested wetlands and an intermittent stream to construct a roadway to provide access to a 42-lot residential subdivision on approximately 152.6 acres. Dredge and fill approximately 1,939 square feet of forested wetlands to provide driveway access to five lots within the 42-lot subdivision. As compensatory mitigation for jurisdictional impacts preserve a total of approximately 65.35 acres of wetlands and contiguous upland buffer on-site, and create 4,255 square feet of vernal pool habitat on-site.

\*\*\*\*\*

Conservation Commission/Staff Comments:

In a letter to the Department dated October 5, 2003 the Nottingham Conservation Commission recommended the following: 1) Completion of an Environmental Impact Study to inventory those natural resources which will be impacted by the proposed project and for the remaining resources to be included in the easement document for monitoring purposes; 2) Maintenance of a minimum 75-foot buffer for the protection of Nottingham Critical Wetland #4; 3) Incorporation of additional forested uplands, including those that have a significant slope toward roadways and/or wetlands, into the conservation easement areas; and 4) Incorporation of restrictions on the application of fertilizers, pesticides and roadway salt into the conservation easement areas.

APPROVE PERMIT:

Dredge and fill approximately 13,816 square feet of forested wetlands and an intermittent stream to construct a roadway to provide access to a 42-lot residential subdivision on approximately 152.6 acres. Dredge and fill approximately 1,939 square feet of forested wetlands to provide driveway access to five lots within the 42-lot subdivision. As compensatory mitigation for jurisdictional impacts preserve a total of approximately 65.35 acres of wetlands and contiguous upland buffer on-site, and create 4,255 square feet of vernal pool habitat on-site.

With Conditions:

1. All work shall be in accordance with the following plans received by the Department on November 5, 2003:
  - a. The Subdivision of Land Plan (Sheets 1 - 3 of 25) and the Proposed Easement Plan (Sheets 7 - 9 of 25) by Doucet Survey Inc. dated February 27, 2003 and revised November 5, 2003;
  - b. The Existing Conditions Plan (Sheets 4 - 6 of 25) by Doucet Survey Inc. dated February 27, 2003 and revised August 28, 2003;
  - c. The Subdivision Site Plans - C1 - C4 (Sheets 10 - 13 of 25) and the Plan and Profile - P1 - P9 (Sheets 14 - 20B of 25) by Beals Associates PLLC dated March 1, 2003 and revised November 5, 2003; and
  - d. The General Details (Sheet 23 of 25) and Erosion & Sediment Control Details (Sheet 25 of 25) by Beals Associates PLLC dated March 1, 2003 and revised September 2, 2003.
2. This permit is contingent on approval by the NHDES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the NHDES Wetlands Bureau prior to construction.
6. At least 48 hours prior to the start of construction a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, their professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Nottingham Conservation Commission of the date project construction is proposed to begin.
8. Work shall be conducted during low flow conditions.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the NHDES Wetlands Bureau.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
16. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Upland Buffer and Wetland Preservation:



21. This permit is contingent upon the preservation of a total of approximately 65.35 acres on-site, as depicted on the Proposed Easement Plan (Sheets 7 - 9 of 25) by Doucet Survey Inc. dated February 27, 2003 and revised November 5, 2003, as received by the Department on September 22, 2003. The conservation easement areas, which include approximately 34.09 acres of wetlands and approximately 31.26 acres of contiguous upland buffer, shall be conveyed to the Highlands Homeowners Association, or its successors and assigns, as described in the Declaration of Conservation Restriction, Highlands Subdivision, Nottingham, New Hampshire, as received by the Department on November 5, 2003.

22. Each and every owner by acceptance of a deed for a lot in the subdivision shall agree to be subject to the Declaration of Conservation Restriction, Highlands Subdivision, Nottingham, New Hampshire, as received by the Department on November 5, 2003.

23. The plan noting the conservation easement areas with a copy of the final Declaration of Conservation Restriction, Highlands Subdivision, Nottingham, New Hampshire shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the NHDES Wetlands Bureau prior to the start of construction.

24. The applicant shall prepare a report summarizing existing conditions within the conservation easement areas. Said report shall contain photographic documentation of the conservation easement areas, and shall be submitted to the DES Wetlands Bureau and the Highlands Homeowners Association prior to construction to serve as a baseline for future monitoring of the conservation easement areas.

25. The conservation easement areas shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

26. Signs to indicate the location of and restrictions on the conservation easement areas shall be posted no further than every 150 feet along the boundary of the conservation easement areas prior to construction.

27. Prior to construction, the permittee shall notify the NHDES Wetlands Bureau of the placement of the conservation easement area signs.

28. There shall be no removal of the existing vegetative undergrowth within the conservation easement areas and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

29. Activities in contravention of the Declaration of Conservation Restriction, Highlands Subdivision, Nottingham, New Hampshire

shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

#### Vernal Pool Creation:

30. Creation of two vernal pool areas, totaling 4,255 square feet, located within the conservation easement area on Lot 12, as depicted on the Subdivision Site Plan - C1 (Sheet 10 of 26) by Beals Associates PLLC dated March 1, 2003 and revised November 5, 2003, as received by the Department on November 5, 2003, shall be conducted in accordance with the Vernal Pool Creation Mitigation Proposal (Pages 2 - 4) by NH Soil Consultants, Inc. dated June 2003, as received by the Department on June 30, 2003.

#### With Findings:

1. The project is categorized as a Minor Impact Project, per Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands and surface waters.

2. To compensate for permanent wetlands impacts the applicant is proposing to preserve a total of approximately 65.35 acres on-site, including approximately 34.09 acres of wetlands and approximately 31.26 acres of contiguous upland buffer. In addition, the applicant is proposing to create two vernal pool areas, totaling 4,255 square feet.

3. The wetlands compensatory mitigation plan proposed by the applicant exceeds the mitigation ratios described in the Wetlands Bureau's Draft Wetlands Compensatory Mitigation Rules.

4. In a letter to the Department dated October 5, 2003 the Nottingham Conservation Commission recommended the following: a) Completion of an Environmental Impact Study to inventory those natural resources which will be impacted by the proposed project and for the remaining resources to be included in the easement document for monitoring purposes; b) Maintenance of a minimum 75-foot buffer for the protection of Nottingham Critical Wetland #4; c) Incorporation of additional forested uplands, including those that have a significant slope toward roadways and/or wetlands, into the conservation easement areas; and d) Incorporation of restrictions on the application of fertilizers, pesticides and roadway salt into the conservation easement areas.

5. In response to the recommendation of the Nottingham Conservation Commission, as referenced in finding 4(a) above, the applicant shall prepare a report, including photographic documentation, summarizing existing conditions within the conservation

easement areas to serve as a baseline for future monitoring of the conservation easement areas, in accordance with Specific Condition #24 of this permit.

6. A portion of the proposed conservation easement areas provide upland buffer protection adjacent to Nottingham Critical Wetland #4. Much of the proposed upland buffer adjacent to Nottingham Critical Wetland #4 exceeds 75 feet, as recommended by the Nottingham Conservation Commission.

7. In a letter to the Department dated July 9, 2003 the Nottingham Planning Board indicated that it had voted unanimously to authorize an additional wetland crossing associated with construction of a connector road to access a proposed subdivision on an adjacent property (Map 4, Lot 18).

8. On November 19, 2003 the NHDES Site Specific Program issued amended Permit WPS-6523A for the project.

9. The need for the proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01.

10. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

11. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

12. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

**2003-01499                      PR-PC DEVELOPMENT GROUP, LLC**  
**MILTON    Unnamed Wetland**

**Requested Action:**

Fill 12,053 square feet of palustrine forested wetland to install an access road serving a 15-lot residential subdivision on 13.44 acres of land. To help mitigate the impacts for the proposed project, approximately 66,198 square feet (1.52 acres) of land within the subdivision will remain as open space.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

\*In a letter dated 8/14/03, The Milton School Board stated that they have a number of concerns about the project, mostly related to stormwater issues.

\*in a letter dated 8/27/03, The Milton Conservation Commission stated that they are concerned about any destruction of wetlands; however they approved the proposed plans as the applicant is entitled to access his property.

\*In a letter dated 10/23/03, The Milton School Board stated that based on the owners agreement to address their concerns, they agree with the project as proposed.

**APPROVE PERMIT:**

Fill 12,053 square feet of palustrine forested wetland to install an access road serving a 15-lot residential subdivision on 13.44 acres of land. To help mitigate the impacts for the proposed project, approximately 66,198 square feet (1.52 acres) of land within the subdivision will remain as open space.

**With Conditions:**

1. All work shall be in accordance with revised plans by Crown Point Survey & Engineering, LLC, dated 10/14/03, as received by the Department on 12/01/03.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

8. Orange construction fencing shall be placed at the limits of construction and clearing to prevent accidental encroachment on wetlands and associated buffers.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This project is considered a Minor Project per NH Administrative Rule Wt 303.03(h), as wetland impacts are less than 20,000 square feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-01699                      VERMONT DEPT OF FISH & WILDLIFE**  
**CHARLESTOWN   Connecticut River**

Requested Action:

Excavate and fill 256 sqft on river bottom to facilitate the construction of a boatramp located in Springfield Vermont.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments from the Con Com.

APPROVE PERMIT:

Excavate and fill 256 sqft on river bottom to facilitate the construction of a boatramp located in Springfield Vermont.

With Conditions:

1. All work shall be in accordance with plans by State of Vermont, as received by the Department on July 30, 2003.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Work shall be done during low flow.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(c).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Local Rivers Advisory Committee has concerns about the size of the docks, the increase boat traffic and the second boatramp.
6. The entire project is located in Vermont except for the 256 sqft of boatramp terminus protection located in New Hampshire waters.
7. The docks of concern by the LRAC are located in the Black River in Vermont and not in New Hampshire jurisdiction.

**2003-01723                      ERROL, TOWN OF**  
**ERROL   Akers Pond**

Requested Action:

Upgrade an existing gravel boat ramp by installing 12 ft by 14 in concrete planks 40 ft into the waterbody, construct a 5 ft by 10 ft seasonal dock on Akers Pond, Errol.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Loon Preservation Committee would like construction not to occur between mid May to mid July and loon information posted on kiosk.

APPROVE PERMIT:

Upgrade an existing gravel boat ramp by installing 12 ft by 14 in concrete planks 40 ft into the waterbody, construct a 5 ft by 10 ft seasonal dock on Akers Pond, Errol.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on August 5, 2003 and November 19, 2003 and December 1, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee.
4. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation and erosion controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be done during draw down.
8. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Akers Pond.
9. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
10. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
11. The boat ramp shall be utilized indefinitely as a public access to Akers Pond and shall not change in use.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
14. Seasonal pier shall be removed from the lake for the non-boating season.
15. No portion of the pier shall extend more than 10 feet from the shoreline at full lake elevation.

16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02289                      LEBOEUF, STEVEN**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 4 ft x 24 ft seasonal dock, an existing 6 ft x 30 ft seasonal dock, and two (2) 3 ft x 6 ft concrete pads, and install (3) 6 ft x 40 ft seasonal docks hinged to (3) 4 ft x 6 ft concrete pads on an average of 225 ft of frontage on Paugus Bay, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. had no objection to project.

APPROVE PERMIT:

Permanently remove an existing 4 ft x 24 ft seasonal dock, an existing 6 ft x 30 ft seasonal dock, and two (2) 3 ft x 6 ft concrete pads, and install (3) 6 ft x 40 ft seasonal docks hinged to (3) 4 ft x 6 ft concrete pads on an average of 225 ft of frontage on Paugus Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 29, 2003, as received by the Department on October 9, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. The existing docks and concrete pads shall be completely removed from the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
9. Seasonal piers shall be removed from the lake for the non-boating season.
10. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), installation of 3 hinged seasonal docks totally 4 boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02359**

**ROBERTS, KENNETH & MARY**

**MOULTONBOROUGH Kanasatka Lake**

**Requested Action:**

Permanently remove an existing 4 ft x 24 ft seasonal dock and install a 6 ft x 30 ft seasonal dock, and excavate 494 sq ft to construct a 25 ft x 16 ft perched beach, utilizing 20 cu yds of sand, surrounded by 72 linear ft of 1 ft wide stone wall, dredge 16 sq ft along shoreline for 4 ft wide steps accessing the water on an average of 146 ft of frontage on Lake Kanasatka, Moultonborough.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con. Com. had no objections to project.

**APPROVE PERMIT:**

Permanently remove an existing 4 ft x 24 ft seasonal dock and install a 6 ft x 30 ft seasonal dock, and excavate 494 sq ft to construct a 25 ft x 16 ft perched beach, utilizing 20 cu yds of sand, surrounded by 72 linear ft of 1 ft wide stone wall, dredge 16 sq ft along shoreline for 4 ft wide steps accessing the water on an average of 146 ft of frontage on Lake Kanasatka, Moultonborough.

**With Conditions:**

1. All work shall be in accordance with plans by Folsom Design Group dated October 3, 2003, as received by the Department on October 21, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
8. All removed docking structures and dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction prior to new construction.
9. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 515). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 20 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
14. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(f), construction of a perched beach that utilizes no more than 20 cu yds of sand.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

## MINIMUM IMPACT PROJECT

\*\*\*\*\*

**2001-01787                      LAUREL GLEN CONDOMINIUM ASSOCIATION, C/O RALPH FAU**  
**CENTER HARBOR   Squam Lake**

### Requested Action:

Amend permit to reference the change in dredge method.

\*\*\*\*\*

### Conservation Commission/Staff Comments:

No locus on USGS map. Digitized from file map "map#3".

### APPROVE AMENDMENT:

Maintenance dredge 1140 cu yd from 15391 sqft of lakebed and repair an existing 14 ft 1 in by 4 ft crib wharf, a 14 ft 8 in by 4 ft crib wharf with an attached 3 ft 5 in by 16 ft 3 in crib dock, a seasonal 5 ft by 24 ft dock accessed by a 5 ft by 10 ft 2 in ramp, a seasonal 3 ft 9 in by 18 ft 1 in dock accessed by a 3 ft by 10 ft ramp, a seasonal 4 ft by 12 ft 4 in dock, a seasonal 3 ft by 8 ft 11 in dock with an attached 4 ft by 12 ft 3 in dock, and a permanent 4 ft by 32 ft 4 in dock supported by 3 cribs with an attached 4 ft by 4 ft ramp and a 12 ft by 8 ft floating pier, on 720 ft of frontage in Squam Lake, Center Harbor.

### With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated October 1, 2002, revised November 15, 2003, as received by the Department on November 21, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Repair shall maintain existing size, location and configuration.
6. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. All dredged material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

**2003-01442                      NEWPORT SAND AND GRAVEL**  
**NEWPORT   Long Pond Brook**

Requested Action:

Install 48" culverts in the existing dikes of Middle Pond and Upper Pond adjacent to Long Pond Brook to facilitate a breach and stabilize 110 linear feet of the bank on Middle Pond adjacent to Long Pond Brook

\*\*\*\*\*

APPROVE PERMIT:

Install 48" culverts in the existing dikes of Middle Pond and Upper Pond adjacent to Long Pond Brook to facilitate a breach and stabilize 110 linear feet of the bank on Middle Pond adjacent to Long Pond Brook

With Conditions:

1. All work shall be in accordance with plans by Pathways Consultants, LLC dated March 20, 2003, revised by Richard Fraser, Newport Sand & Gravel Co., Inc. dated November 13, 2003, as received by the Department on November 18, 2003.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This project is classified as a Minimum Project per Rule Wt 303.04(v), repairs to an existing structure such as a dam.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES staff conducted field inspections of the proposed project on September 11th and the 24th of 2003. Field inspections determined plans accurately depict existing conditions.
6. DES staff determined the existing ponds meet the classification of a dam, and therefore require review and approval by the DES Dam Bureau.
7. The Department determined the request to breach the existing dams will have a positive impact on the environment.

**2003-01781                      COONEY, MICHAEL**  
**CHICHESTER   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 361 square feet of wetland further described as follows: Permanently impact 212 square feet of storm water drainage ditch for parking area and culvert relocation and temporarily impact 149 square feet of wetland to remove the



existing culvert outlets.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The conservation commission generally agrees to the application provided flow velocity control is supplied for the storm water outlet.

APPROVE PERMIT:

Dredge and fill a total of 361 square feet of wetland further described as follows: Permanently impact 212 square feet of storm water drainage ditch for parking area and culvert relocation and temporarily impact 149 square feet of wetland to remove the existing culvert outlets.

With Conditions:

1. All work shall be in accordance with plans by SFC Engineering Partnership dated May 10, 2003, and revised number 367001 as received by the Department on November 3, 2003.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. All steps shall be taken during the construction and restoration necessary to assure that no water quality violations occur on the Property.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Areas of temporary impact shall be regraded to original contours following completion of work.
9. A qualified consultant shall supervise the restoration activities of the temporary impact areas to ensure that the restoration is accomplished pursuant to this Approval.
10. The qualified consultant shall consult with the County Conservation District to determine the appropriate wetland seed mix to be applied to the wetlands restoration areas on the Property. Documentation confirming use of the appropriate seed mix shall be forwarded to DES.
11. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
12. The qualified consultant shall inspect the temporary impact areas, and submit a monitoring report with photographs to DES within 60 days of the completion of construction. The monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. Silt fencing must be removed once the area is stabilized.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f) Projects involving alteration of less than 3000 square feet in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to

areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The wetlands impacted by this application are of low quality and function.
6. The placement of catch basins and the overland flow will replace the functions and values of the wetlands destroyed by this project.
7. In accordance with the above findings DES waives the condition #1 of permit 1991-2044.

**2003-02190                      HAWKSLEY, NICHOLE/WILLIAM  
BRENTWOOD   Unnamed Wetland**

Requested Action:

Fill approximately 1,840 square feet of forested wetlands to construct a driveway to provide access to a single-family building lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated October 1, 2003 the Brentwood Conservation Commission noted wetland boundary discrepancies between the plan submitted with the application and a previous high intensity soil survey of the site conducted as part of a prior subdivision plan.

Inspection Date: 11/25/2003 by Christian P Williams

APPROVE PERMIT:

Fill approximately 1,840 square feet of forested wetlands to construct a driveway to provide access to a single-family building lot.

With Conditions:

1. All work shall be in accordance with Subsurface Disposal System Plan by Orvis/Drew, LLC dated September 3, 2003 and revised November 10, 2003, as received by the Department on November 25, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be conducted during low flow conditions.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. The project is categorized as a Minimum Impact Project, per Administrative Rule Wt 303.04(f), as the project involves alteration of less than 3,000 square feet within forested wetlands.
2. In a letter to the DES Wetlands Bureau dated October 1, 2003 the Brentwood Conservation Commission noted wetland boundary discrepancies between the plan submitted with the application and a previous high intensity soil survey of the site conducted as part of a prior subdivision plan.
3. On November 25, 2003 DES Wetlands Bureau staff conducted a field inspection of the property in response to the above-referenced comments of the Brentwood Conservation Commission. Based on observations made by DES Wetlands Bureau staff during the field inspection, the Department finds that the plan submitted with the application by Orvis/Drew LLC accurately depicts the wetlands boundaries on site. Furthermore, DES Wetlands Bureau staff found no evidence of previous wetlands

disturbance on the site.

4. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
5. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02252                      SPNHF**  
**PORTSMOUTH   Sagamore Creek**

Requested Action:

Impact 450 square feet of tidal waters for the replacement of an existing 4 ft x 40 ft pier leading to a 3 ft x 16 ft ramp and 11 ft x 22 ft float on the Sagamore Creek in Portsmouth.

\*\*\*\*\*

APPROVE PERMIT:

Impact 450 square feet of tidal waters for the replacement of an existing 4 ft x 40 ft pier leading to a 3 ft x 16 ft ramp and 11 ft x 22 ft float on the Sagamore Creek in Portsmouth.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated September 26, 2003, as received by the Department on October 6, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Reconstruction shall maintain existing size, location and configuration of the pier, ramp, and float.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
9. The decking of the dock shall have a minimum of 6 feet clearance from the surface of the tidal marsh and shall have 3/4-inch spacing between the decking planks.
10. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
11. Work shall be done during low flow.
12. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), repair of existing structures, such as docks, provided that no work is proposed on residential structures, and that there is no change in location, configuration, construction type, or dimensions.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. This dock reconstruction is consistent with other tidal dock reconstruction approvals in the seacoast region.

## FORESTRY NOTIFICATION

\*\*\*\*\*

**2003-02418                      SINCLAIR, DAVID & SUSAN**  
**FRANKLIN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Franklin Tax Map 15, Lot# 401

**2003-02592                      DOWNING, RUSSELL & LESLIE**  
**HARRISVILLE   Unnamed Stream**

COMPLETE NOTIFICATION:  
arrisville Tax Map 60, Lot# 56

**2003-02593                      REED, WADE**  
**RUMNEY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Rumney Tax Map 07, Lot # 01-06

**2003-02594                      CERNOTA, JEAN**  
**GREENFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Greenfield Tax Map R1, Lot# 9

**2003-02595                      CONNECTICUT LAKES REALTY TRUST, C/O LYME TIMBER**  
**PITTSBURG   Unnamed Stream**

COMPLETE NOTIFICATION:  
Piitsburg Tax Map NONE, Lot# 26

**2003-02596                      MCCAULEY, JAMES**  
**LISBON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lisbon Tax Map R4, Lot# 7

**2003-02597                      LANDMARK LAND SERVICES LLC**  
**CHARLESTOWN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Charlestown Tax Map 36, Lot# 39

**2003-02598                      BROWN, ARTHUR & CAROL**  
**ACWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Acworth Tax Map 27, Lot# 401

**2003-02599                      HERTEL, VAN**  
**OSSIPEE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Ossipee Tax Map 24, Lot# 63

**2003-02600                      ALCOCK TRUST, CAROLYN**  
**SANDWICH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sandwich Tax Map R9, Lot# 18

**2003-02605                      MIGHTY OAKS REALTY LLC, DON HARDWICK**  
**LEMPSTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lempster Tax Map 10, Lot# 504.052

**2003-02612                      DOW, ANTHONY**  
**BRADFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bradford Tax Map 5, Lot# 5

## OTHER BUSINESS

\*\*\*\*\*

**2003-02614                      NORTHWOOD, TOWN OF**  
**NORTHWOOD   Prime Wetlands**

### Requested Action:

The NH Department of Environmental Services has determined that the maps and data sheets delineating and describing 19 wetlands in the Town of Northwood, together with additional supporting materials, submitted to the NH DES Wetlands Bureau by the Northwood Conservation Commission and received on May 04, 2001, February 08, 2002 and September 03, 2003, are in compliance with Sections Wt 702.01, Wt 702.02 & Wt 702.03 of the NH WB Code of Administrative Rules and thereby serve to designate these 19 wetlands as Prime Wetlands in the Town of Northwood.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Northwood Conservation Commission has submitted delineation maps, data sheets and additional materials to designate 19 Prime Wetlands.

**OTHER:**

The NH Department of Environmental Services has determined that the maps and data sheets delineating and describing 19 wetlands in the Town of Northwood, together with additional supporting materials, submitted to the NH DES Wetlands Bureau by the Northwood Conservation Commission and received on May 04, 2001, February 08, 2002 and September 03, 2003, are in compliance with Sections Wt 702.01, Wt 702.02 & Wt 702.03 of the NH WB Code of Administrative Rules and thereby serve to designate these 19 wetlands as Prime Wetlands in the Town of Northwood.

**EXPEDITED MINIMUM**

\*\*\*\*\*

**2003-02304                      BENTON, BRAD**  
**THORNTON   Unnamed Pond**

**Requested Action:**

Dredge 3 linear feet along the bank of a man made pond for the installation of a dry hydrant for fire protection.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

The conservation commission signed this minimum impact expedited application.

**APPROVE PERMIT:**

Dredge 3 linear feet along the bank of a man made pond for the installation of a dry hydrant for fire protection.

**With Conditions:**

1. All work shall be in accordance with plans received by the Department on November 4, 2003.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work shall be done during drawdown.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The bank shall be regraded to original contours following completion of work.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material not used to restore the bank shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**2003-02320                      DYNACON DEVELOPMENT, INC**  
**AMHERST   Unnamed Wetland & Ditch**

**Requested Action:**

Dredge and fill 1,800 sq. ft. of palustrine forested/scrub-shrub wetlands to install a 36" dia.X 50'HDPE culvert and construct a roadway to access a 3 lot residential subdivision on a 7.07 acre parcel of land.

\*\*\*\*\*

APPROVE AMENDMENT:

Dredge and fill 1,800 sq. ft. of palustrine forested/scrub-shrub wetlands to install a 36" dia.X 50'HDPE culvert and construct a roadway to access a 3 lot residential subdivision on a 7.07 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Monadnock Survey, Inc. dated September 30, 2003, as received by the Department on October 16, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped.
8. Work shall be done during low flow.

2003-02353

TAMWORTH FIRE DEPT

TAMWORTH Unnamed Wetland

Requested Action:

Construct a 110 ft by 100 ft fire pond with a dry hydrant by excavating 6529 sqft of hydric soils and 4950 sqft of uplands, fill 1600 sqft of hydric soils to expand the parking area in Tamworth.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct a 110 ft by 100 ft fire pond with a dry hydrant by excavating 6529 sqft of hydric soils and 4950 sqft of uplands, fill 1600 sqft of hydric soils to expand the parking area in Tamworth.

With Conditions:

1. All work shall be in accordance with plans by David Weathers dated October 3, 2003, as received by the Department on October 20, 2003.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
7. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
8. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(p), construction of a pond.

**2003-02395**                      **EJARQUE, PETER**  
**DURHAM**   **Unnamed Wetland**

Requested Action:

Fill 480 square feet of nontidal wetlands for the construction of a driveway crossing, inclusive of one existing culvert and one additional culvert, to access buildable uplands.

\*\*\*\*\*

APPROVE PERMIT:

Fill 480 square feet of nontidal wetlands for the construction of a driveway crossing, inclusive of one existing culvert and one additional culvert, to access buildable uplands.

With Conditions:

1. All work shall be in accordance with plans by McEaney Survey Associates, Inc. dated January 22, 2003, with revisions by Peter Ejarque dated December 3, 2003, as received by the Department on December 3, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill to permit vehicular access to a piece of property for a single-family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence that demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

**2003-02427**                      **FULLER, HENRY**  
**NORTH HAMPTON**   **Unnamed Wetland**

Requested Action:

Amend permit conditions to fill 1,600 square feet of nontidal wetlands for the construction of a driveway crossing to access buildable uplands within a proposed 2-lot subdivision.

\*\*\*\*\*

APPROVE AMENDMENT:

Amend permit conditions to fill 1,600 square feet of nontidal wetlands for the construction of a driveway crossing to access buildable uplands within a proposed 2-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by E.J. Cote & Associates, Inc. dated August 1, 2003, as received by the Department on October 28, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on subdivision approval by the DES Subsurface Systems Bureau.



5. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. CONDITION REMOVED
9. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert and associated fill to permit vehicular access to a piece of property for a single-family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The NH Natural Heritage Inventory (NHNHI) has record of one state threatened plant species within the project vicinity, Slender Blue Flag (*Iris prismatica*).
5. DES review of this application finds that the mapped location of the NHNHI identified plant species exists beyond the limits of the property.
6. The second access is approvable based on the fact that the parcel is to be subdivided and the newly subdivided portion will require the wetlands crossing in order to access buildable uplands on the property.
7. ADDED FINDING: Condition #8 was removed per Wt 304.09(d), permits for subdivisions of four or more lots shall not be effective until the permittee records the permit with the appropriate registry of deeds and a copy of the registered permit has been received by the department, as this rule does not apply because the property will only be subdivided into two lots.

**2003-02492                      JAFFE, RICHARD & JEANNE**  
**SUNAPEE   Unnamed Wetland**

Requested Action:

Temporarily impact 286 square feet of palustrine forested wetlands to install a septic line

\*\*\*\*\*

APPROVE PERMIT:

Temporarily impact 286 square feet of palustrine forested wetlands to install a septic line

With Conditions:

1. All work shall be in accordance with plans by Michael Dashner dated August 7, 2003, as received by the Department on November 4, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow.
4. Appropriate siltation, erosion or turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized;
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. All disturbed areas shall be regraded to original contours and stabilized within 72 hours following completion of work using seed and mulch during the growing season, or if not within the growing season, by mulching with tack or netting and pinning;
7. Wetland replication area shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(i), temporary crossing for construction of buried utility line.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-02675                      PORTSMOUTH, CITY OF**  
**PORTSMOUTH   Piscataqua River**

Requested Action:

Impact 55 square feet of the tidal buffer zone to remove and replace an existing deteriorated wooden retaining wall with a stone rip rap retaining wall within the same footprint.

\*\*\*\*\*

Inspection Date: 10/15/2003 by Christina Altimari

APPROVE PERMIT:

Impact 55 square feet of the tidal buffer zone to remove and replace an existing deteriorated wooden retaining wall with a stone rip rap retaining wall within the same footprint.

With Conditions:

1. All work shall be in accordance with plans submitted by the City of Portsmouth, dated November 12, 2003, as received by the Department on December 3, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction and shall be maintained during construction such that no turbidity escapes the immediate repair area.
7. Work shall be done during low tide.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), based on the fact that the wall itself is the highest observable tide line, all will be done from the landward side of the wall, and the new wall will not exist beyond the footprint of the existing, deteriorated retaining wall.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence that demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The existing retaining wall on the City of Portsmouth's right-of-way is contiguous with a retaining wall, on the abutting property owned by Helen Steele. Ms. Steele has obtained NHDES Wetlands Permit #2003-2351 to replace her portion of the retaining wall which is also in need of repair.
5. Work within the right-of-way will be done by the same contractor, and at the same time as the work being done on the Steele property.

**TRAILS NOTIFICATION**

\*\*\*\*\*

**2003-02457                      PLIMMER, ROGER & DEBORAH**  
**SANDWICH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sandwich Tax Map/Lot#: R8/7A, R8/30, R6/20

**LAKES-SEASONAL DOCK NOTIF**

\*\*\*\*\*

**2003-02682                      WEBSTER LAND CORP**  
**HOLDERNESS   Squam Lake**

COMPLETE NOTIFICATION:  
holderness Tax Map 220, Lot# 26 squam lake

**2003-02683                      SMITH, RONALD**  
**FREEDOM   Ossipee Lake**

COMPLETE NOTIFICATION:  
Freedom Tax Map 31, Lot 23-01 ossipee lake

**ROADWAY MAINTENANCE NOTIF**

\*\*\*\*\*

**2003-02684                      NH DEPT OF TRANSPORTATION, DISTRICT 3**  
**ALTON   Drainage Ditch**